

Application No.: 09/752,650

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APR 30 2007 Docket No.: 468182000100

REMARKS

Claims 79-84, 87-90, 95-97, 99-102, 104, 106, 108-109, and 112-130 stand rejected in the present Office Action. In this response, claims 112 and 121 are amended. Accordingly, claims 79-84, 87-90, 95-97, 99-102, 104, 106, 108-109, and 112-130 are pending in the present application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and reasons.

Rejection under 35 USC § 103 of claims 79-83, 87-90, 95-97, 99, 104, 108, 109, 112-116, 118-123, 127, 129, and 130

In Sections 2-4 of the Office Action, claims 79-83, 87-90, 95-97, 99, 104, 108, 109, 112-116, 118-123, 127-129, and 130 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,269,346 ("Cristofich") in view of SEC EDGAR Submission 0001012870-98-001814 ("SEC2").

The Examiner states that "Cristofich fails to teach automatically updating the company's complete equity ownership structure, including the ways the company is funded and the associated ownership by employees, investors, and lenders." However, the Examiner contends that SEC2 teaches this limitation and points to pages 9, 10, and 29-34. The Examiner also states that maintaining updated records is old and well-known.

Applicants respectfully disagree with the characterization of SEC2. SEC2 is a Form S-1 registration statement from eBay Inc. SEC2 discloses certain activities relating to certain shares of eBay stock but does not specify the ownership particulars for every share of eBay's equity shares. For example, SEC2 at page 9 discusses donation and sale of 107,250 shares of common stock to fund the eBay Foundation. However, there is no mention of who the current owner(s) of these 107,250 shares are, the share price paid by the current owner(s), when the shares changed ownership, etc. Similarly, at page 29, it is stated that a certain percentage of the outstanding shares of common stock are in aggregate owned by eBay's executive officers and directors. However, again, the who, what, when, etc. regarding the current ownership is not disclosed.

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Moreover, ownership information in SEC registration statements is by nature out of date (even as of its filing date) since it takes time to gather the information and finalize the statement document. SEC2 provides a snapshot of activity relating to certain shares of stock (e.g., blocks of large number of shares and new activities relative to the previous SEC statement) at a past point in time, but does not teach or suggest computerized implementation for maintaining an up-to-date and on-going record of the company's complete equity ownership structure by updating each time a vesting schedule is determined for a new request.

Each of claims 79 and 95 recite the "company's complete equity ownership structure, including the ways the company is funded and the associated ownership by employees, investors, and lenders." (Emphasis added.) Claim 79 further recites that the company's equity ownership structure is "automatically update[ed]" each time a vesting schedule is determined. Claim 95 further recites that the company's equity ownership structure is "automatically updated in accordance with the unique vesting schedule."

As for what is old and well known, it is respectfully submitted that Applicants' silence is not, and was not intended to be, an admission of prior art. Applicants overcame previous rejections and objections based on different grounds than those discussed by the Examiner. For this reason, Applicants found it unnecessary to discuss more than Applicants' bases for distinction, when Applicants believed that the distinctions provided would have been sufficient to overcome the outstanding rejections/objections and advance prosecution of the present application.

If maintaining updated records, as recited in claims 79 and 95, is old and well-known, Applicants respectfully request identification of prior art references disclosing this limitation (in proper combination with the remaining elements of claims 79 and 95) to establish *prima facie* obviousness.

Accordingly, it is respectfully submitted that each of claims 79 and 95 is allowable over Cristofich and SEC2, alone or in combination. Claims 80-84, 87-90, 96-97, 99-102, 104, 106, and

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108-109, which depend from one of claims 79 or 95, are also allowable over Cristofich and SEC2 for at least the same reasons as discussed above.

Claim 112 is amended to recite, among other things, "wherein the capitalization structure affecting request is a requested change to the company's equity ownership structure excluding ownership from stock options." Claim 121 is amended to recite, among other things, "wherein the security transaction request affects the company's equity ownership structure, the security transaction request does not relate to stock options." Support is found, for example, at paragraph 0004 of the specification, which discloses that "[a] database tracks the complete capitalization, not just the administration of options. For a privately-held company, if the holder of a derivative security, such as a warrant, decides to exercise that derivative security, then the system will issue the holder shares of stock related to that security."

Cristofich discloses a system for handling stock options. Cristofich does not teach or suggest handling of securities other than stock options. SEC2 fails to disclose ownership particulars so as to specify a company's equity ownership structure. Cristofich and SEC2, alone or in combination, do not disclose the combination of elements recited in each of claims 112 and 121.

Accordingly, it is respectfully submitted that each of claims 112 and 121 is allowable over Cristofich and SEC2, alone or in combination. Claims 113-120 and 122-130, which depend from one of claims 112 or 121, are also allowable over Cristofich and SEC2 for at least the same reasons as discussed above.

Rejection under 35 USC § 103 of claims 84, 100, 106, 117, 124, and 128

In Section 5 of the Office Action, claims 84, 100, 106, 117, 124, and 128 are rejected under 35 USC §103(a) as being unpatentable over Cristofich and SEC2, in view of Dictionary of Finance and Investment Terms.

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Applicants respectfully submit that claims 84, 100, 106, 117, 124 and 128 are allowable over Cristofich, SEC2, and Dictionary of Finance and Investment Terms, alone or in combination, for at least the same reasons as for claims 79, 95, 112, and 121.

Rejection under 35 USC § 103 of claims 101-102 and 125-126

In Section 6 of the Office Action, claims 101-102 and 125-126 are rejected under 35 USC § 103(a) as being unpatentable over Cristofich and SEC2.

Applicants respectfully submit that claims 101-102 and 125-126 are allowable over Cristofich and SEC2, alone or in combination, for at least the same reasons as for claims 95 and 121.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Applicants silence during prosecution should not be construed to be an admission. Applicants reserve the right to address points raised earlier during prosecution. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 468182000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Dated: April 30, 2007

Respectfully submitted,

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